

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

VERSATA SOFTWARE, INC., f/k/a	§	
TRILOGY SOFTWARE, INC.; and	§	
VERSATA DEVELOPMENT GROUP, INC.,	§	
f/k/a TRILOGY DEVELOPMENT GROUP,	§	CIVIL ACTION NO. 2-06-CV-358 (TJW)
INC.,	§	
Plaintiffs	§	
	§	
	§	
v.	§	
	§	
SUN MICROSYSTEMS, INC.,	§	
Defendant.	§	

ORDER

The court has reviewed the parties' respective Motions in Limine and makes the following rulings:

Plaintiff's Motion <i>in Limine</i> No. 1 -	WITHDRAWN by Versata.
Plaintiff's Motion <i>in Limine</i> No. 4 -	SUSTAINED
Plaintiff's Motion <i>in Limine</i> No. 5 -	SUSTAINED
Plaintiff's Motion <i>in Limine</i> No. 6 -	SUSTAINED as to both parties
Plaintiff's Motion <i>in Limine</i> No. 7 -	SUSTAINED
Plaintiff's Motion <i>in Limine</i> No. 8 -	SUSTAINED in part and DENIED in part. The parties are limited to showing they have operations abroad.
Plaintiff's Motion <i>in Limine</i> No. 9 -	SUSTAINED
Plaintiff's Motion <i>in Limine</i> No. 10 -	SUSTAINED as to both parties
Plaintiff's Motion <i>in Limine</i> No. 11 -	SUSTAINED in part and DENIED in part. The parties may introduce factual evidence that Versata knew that prior art existed and that the PTO did not have that art at the time of prosecution. The parties may not, however,

make any comments or proffer any evidence about Versata breaching its duty of candor.

Plaintiff's Motion *in Limine* No. 12 - SUSTAINED

Plaintiff's Motion *in Limine* No. 13 - SUSTAINED

Plaintiff's Motion *in Limine* No. 14 - SUSTAINED

Plaintiff's Motion *in Limine* No. 16 - SUSTAINED

Plaintiff's Motion *in Limine* No. 17 - SUSTAINED in part and DENIED in part. Any evidence or testimony regarding the workload of the PTO will be limited to what is stated in the video shown to the jury prior to trial.

Plaintiff's Motion *in Limine* No. 18 - SUSTAINED

Plaintiff's Motion *in Limine* No. 19 - SUSTAINED

Defendant's Motion *in Limine* No. 1 - SUSTAINED as to both parties

Defendant's Motion *in Limine* No. 2 - SUSTAINED

Defendant's Motion *in Limine* No. 3 - DENIED as a Motion in Limine. This is more appropriate for impeachment.

Defendant's Motion *in Limine* No. 4 - DENIED

Defendant's Motion *in Limine* No. 5 - SUSTAINED in part and DENIED in part. Parties are limited to showing names of the law firms and their respective locations.

Defendant's Motion *in Limine* No. 6 - DENIED as written. The Motion in Limine is overly broad.

Defendant's Motion *in Limine* No. 7 - SUSTAINED as to both parties

Defendant's Motion *in Limine* No. 8 - SUSTAINED as to both parties

Defendant's Motion *in Limine* No. 9 - SUSTAINED as to both parties

Defendant's Motion *in Limine* No. 10 - DENIED as a Motion in Limine. Parties are to make any

hearsay objections at the time of such testimony.

Defendant's Motion *in Limine* No. 11 - SUSTAINED as to both parties

Defendant's Motion *in Limine* No. 13 - DENIED as a Motion in Limine

Defendant's Motion *in Limine* No. 14 - DENIED as a Motion in Limine

Defendant's Motion *in Limine* No. 15 - SUSTAINED

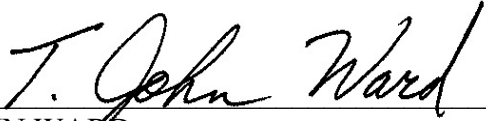
Defendant's Motion *in Limine* No. 16 - DENIED

Defendant's Motion *in Limine* No. 18 - DENIED as a Motion in Limine

Defendant's Motion *in Limine* No. 20 - DENIED as a Motion in Limine

Plaintiff's Motions in Limine 2, 3 and 15, and Defendant's Motions in Limine 12, 17 and 19 will be ruled on at the pretrial conference.

SIGNED this 31st day of March, 2009.



T. JOHN WARD
UNITED STATES DISTRICT JUDGE